

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING FINAL
ACCEPTANCE OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) SILICON
VALLEY BERRYESSA EXTENSION PROJECT, WATER, STORM, AND SEWER UTILITY RELOCATION
AT PIPER DRIVE, VTA PROJECT NO. C610**

WHEREAS, the City of Milpitas (“City”) and Santa Clara Valley Transportation Authority (“VTA”) entered into a Master Agreement on September 10, 2010, relating to the Silicon Valley Rapid Transit Program Beryessa Extension Project (“Master Agreement”); and

WHEREAS, City issued Encroachment Permit E-EN11-0191 to VTA for the relocation of certain City improvements (“VTA Project No. C610”), such as City water, storm, and sewer improvements on Piper Drive, pursuant to the Master Agreement; and

WHEREAS, VTA has completed the work in accordance with the approved VTA No. C610 Project plans and specifications; and

WHEREAS, said improvements were completed, finally inspected by the City Engineer of the City of Milpitas, and accepted by the City Council on March 19, 2013; and

WHEREAS, a period of one year or more has expired after the date of said acceptance of said improvements; and

WHEREAS, the City Engineer has advised said City Council that VTA has remedied, restored, repaired, or replaced at its sole expense and to the satisfaction of said City Engineer all defects, damages, or imperfections, if any there were, due to or arising from faulty materials or workmanship and appearing within said period of one year from the date of acceptance; and

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas hereby does finally accept said improvements.

PASSED AND ADOPTED this ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney